

SENATE BILL 1144

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 47,
to enact the "Prohibition of Negative Check-Off
Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 25, is amended by adding Sections 2 through 4 of this act as a new, appropriately designated part.

SECTION 2. This part shall be known and may be cited as the "Prohibition of Negative Check-Off Act".

SECTION 3.

As used in this part, unless the context otherwise requires:

(1) "Negative check-off plan" means a plan whereby a payer, by his or her inaction is deemed to have agreed to a payment or series of payments; and

(2) "Voluntary" means an action or choice given freely, as evidenced by some affirmative act on the part of the payer. A charitable contribution made by a payer pursuant to authorization given by such payer is deemed to be voluntary.

SECTION 4.

(a) It shall be a deceptive trade practice to, in the course of one's business, vocation, or occupation, receive funds from an individual whereby the funds are not given on a voluntary basis, unless such an arrangement is required pursuant to a court order. Any such involuntary payments are void as against public policy. A payment made pursuant to a negative check-off plan shall not be considered to have been made on a voluntary basis.

(b) Nothing contained in any other law of this state shall affect the validity or application of this act as it applies to any employee, including, but not limited to, persons employed by the state or a local government or any governmental subdivision or agency thereof, without exception.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.